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EXAMINER

LETT, THOMAS J

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2625

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/781,531

Applicant(s)

TOEBES ET AL.

Examiner

Thomas J. Lett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-13, 22-27, 29, 31, and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al (USPN 6,750,902 B1) in view of Hrastar et al (USPN 6,301,223 B1).

With respect to claim 1, Steinberg et al disclose a device (communication device 10, col. 4, lines 10-26) for processing digital images comprising:

a reference platform (communication device 10, col. 4, lines 10-26)

including;

a camera interface (camera communication port 20, col. 4, lines 15-18), the camera interface operable to receive one or more digital images; and

a communication interface coupled to the camera interface, the communication interface operable to automatically communicate said digital images to a wide area network, the communication interface operable to automatically identify an entity on the wide area network to which the communication interface sends said data images, the communication interface operable to automatically receive configuration data from said entity over the established communications link, the configuration data operable to control

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communication of said digital images without any user interfacing (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 and can further download information to a specific destination, col. 5, lines 47-50, the information can accompany an image, col. 5, lines 38-46).

Steinberg et al do not disclose expressly a communication interface operable to determine whether it has access to a high speed network connection, the communication interface operable to establish a communication link over the high speed network connection with the entity in response to access thereto, the communication interface operable to establish a communication link over a dialup connection with the entity in response to no access to the high speed network connection.

Hrastar et al teach of a CATV router system that has a high-speed modem (column 3 line 60). This router system connects the Internet and the host computers that have the same communication capability as the claimed device (see col. 6, line 54). The cable router system is capable of detecting a failure in the high speed CATV connection and when it does, the telephone modem will take over the connection to the Internet (see col. 3, line 62 to col. 4, line 5). When the cable routing system is working again, the telephone modem will transfer the connection back to the cable modem.

Steinberg et al and Hrastar et al are analogous art because they are from the similar problem solving area of data communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the network line determination feature of Hrastar et al to the system of

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Steinberg et al in order to obtain a communication access determination capability. The motivation for doing so would be to reliably transfer data.

With respect to claim 2, Steinberg et al disclose a device of Claim 1 wherein the reference platform comprises:

a processor (processor 66, col. 6, lines 45-57) operable to execute instructions; and

a data storage media (RAM 80, col. 6 lines 59-60) operable to store configuration data and said digital input.

With respect to claim 3, Steinberg et al disclose a device of Claim wherein the communication interface device is operable to communicate to a service provider (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 and can further download information to a specific destination, col. 5, lines 47-50).

With respect to claim 4, Steinberg et al disclose a device of Claim 1 wherein the communication interface is a dial up modem (device 10 include the functions of one or more devices including a telephone modem, ethernet adapter, a router, hub, etc. The device 10 can also be configured to transmit through a wireless communication link, such as satellite communication, etc. Signals include infrared, or any RF frequency such as UHF, VHF, or microwave, col. 4, line 65 – col. 5, line 4).

With respect to claim 5, Steinberg et al disclose a device of Claim 1, wherein the communication interface is to a broadband enabled network (device 10 include the functions of one or more devices including a telephone modem,

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ethernet adapter, a router, hub, etc. The device 10 can also be configured to transmit through a wireless communication link, such as satellite communication, etc. Signals include infrared, or any RF frequency such as UHF, VHF, or microwave, col. 4, line 65 – col. 5, line 4).

With respect to claim 6, Steinberg et al disclose a device of Claim 1 wherein the communication interface is an Ethernet network (device 10 include the functions of one or more devices including a telephone modem, ethernet adapter, a router, hub, etc. The device 10 can also be configured to transmit through a wireless communication link, such as satellite communication, etc. Signals include infrared, or any RF frequency such as UHF, VHF, or microwave, col. 4, line 65 – col. 5, line 4).

With respect to claim 7, Steinberg et al disclose a device of Claim 1 wherein the communication interface is a token ring (device 10 include the functions of one or more devices including a telephone modem, ethernet adapter, a router, hub, etc. The device 10 can also be configured to transmit through a wireless communication link, such as satellite communication, etc. Signals include infrared, or any RF frequency such as UHF, VHF, or microwave, col. 4, line 65 – col. 5, line 4).

With respect to claim 8, Steinberg et al disclose a device of Claim 1, wherein the communication interface is a FDDI (Fiber Distributed Data Interface) (device 10 include the functions of one or more devices including a telephone modem, ethernet adapter, a router, hub, etc. The device 10 can also be configured to transmit through a wireless communication link, such as satellite

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communication, etc. Signals include infrared, or any RF frequency such as UHF, VHF, or microwave, col. 4, line 65 – col. 5, line 4).

With respect to claim 9, Steinberg et al disclose a device of Claim 1 wherein the communication interface is an ATM (Asynchronous Transfer Mode) network (device 10 include the functions of one or more devices including a telephone modem, ethernet adapter, a router, hub, etc. The device 10 can also be configured to transmit through a wireless communication link, such as satellite communication, etc. Signals include infrared, or any RF frequency such as UHF, VHF, or microwave, col. 4, line 65 – col. 5, line 4).

With respect to claim 10, Steinberg et al disclose a device of Claim 1 wherein the communication interface uses TCP/IP (Transmission Control Protocol/Internet Protocol) (device 10 include the functions of one or more devices including a telephone modem, ethernet adapter, a router, hub, etc. The device 10 can also be configured to transmit through a wireless communication link, such as satellite communication, etc. Signals include infrared, or any RF frequency such as UHF, VHF, or microwave, col. 4, line 65 – col. 5, line 4).

With respect to claim 11, Steinberg et al disclose a device of Claim 1 wherein the camera interface is selected from a group consisting of Smart Media, Compact Flash, USB, BlueTooth, Sony Memory Stick, floppy disk, compact disk, and zip disk (see col. 6, lines 27-43).

With respect to claim 12, Steinberg et al disclose a device of Claim 1 further comprising a digital camera coupled to the reference platform (col. 4, lines 10-12).

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With respect to claim 13, Steinberg et al disclose a method for processing digital images comprising the steps providing image data on a storage media (see col. 6, lines 27-43 for the connection of various types of storage media containing camera data);

connecting the storage media (see col. 6, lines 27-43) to a reference platform (communication device 10, col. 4, lines 10-26);

transferring the image data to the reference platform (see col. 6, lines 27-43);

automatically connecting the reference platform a service provider identified by the reference platform (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 and can further download information to a specific destination, col. 5, lines 47-50, the information can accompany an image, col. 5, lines 38-46);

automatically receiving configuration data from the service provider (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 and can further download information to a specific destination, col. 5, lines 47-50, the information can accompany an image, col. 5, lines 38-46); and

automatically uploading the image data to the service provider in response to the configuration data without any user interfacing (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 and can further download information to a specific destination, col. 5, lines 47-50, the information can accompany an image, col. 5, lines 38-46).



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Steinberg et al do not disclose expressly the steps of determining whether access to a high speed network connection is available, establishing a communication link over the high speed network connection with a service provider in response to access, establishing a communication link over a dialup network connection with the service provider in response to no access to the high speed network connection.

Hrastar et al teach of a CATV router system that has a high-speed modem (column 3 line 60). This router system connects the Internet and the host computers that have the same communication capability as the claimed device (see col. 6, line 54). The cable router system is capable of detecting a failure in the high speed CATV connection and when it does, the telephone modem will take over the connection to the Internet (see col. 3, line 62 to col. 4, line 5). When the cable routing system is working again, the telephone modem will transfer the connection back to the cable modem.

Steinberg et al and Hrastar et al are analogous art because they are from the similar problem solving area of data communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the network line determination feature of Hrastar et al to the system of Steinberg et al in order to obtain an communication access determination capability. The motivation for doing so would be to reliably transfer data.

With respect to claim 22, Steinberg et al disclose a method for processing digital images comprising the steps of:

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providing for a reference platform (communication device 10, col. 4, lines 10-26);

establishing a standard default profile in the reference platform (the communication device 10 include the functions of one or more devices including a telephone modem, ethernet adapter, a router, hub, etc. The device 10 can also be configured to transmit through a wireless communication link, col. 4, line 65 – col. 5, line 4);

connecting a reference platform to a website for setting initial user profile information (connect to a remote destination 18, which can be any type of network object, such as a PC, a printer, phone switch, server, etc., col. 4, lines 10-15); and

downloading initial user profile information onto the reference platform from the website, the reference platform interfacing with the website without user interaction (device 10 is programmable to perform functions automatically, col. 5, lines 19-30).

Steinberg et al do not disclose expressly the steps of determining whether access to a high speed network connection is available, establishing a communication link over the high speed network connection with a service provider in response to access, establishing a communication link over a dialup network connection with the service provider in response to no access to the high speed network connection.

Hrastar et al teach of a CATV router system that has a high-speed modem (column 3 line 60). This router system connects the Internet and the host

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computers that have the same communication capability as the claimed device (see col. 6, line 54). The cable router system is capable of detecting a failure in the high speed CATV connection and when it does, the telephone modem will take over the connection to the Internet (see col. 3, line 62 to col. 4, line 5). When the cable routing system is working again, the telephone modem will transfer the connection back to the cable modem.

Steinberg et al and Hrastar et al are analogous art because they are from the similar problem solving area of data communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the network line determination feature of Hrastar et al to the system of Steinberg et al in order to obtain an communication access determination capability. The motivation for doing so would be to reliably transfer data.

With respect to claim 23, Steinberg et al disclose a method of Claim 22, wherein establishing a standard default profile comprises:

providing a modem (the communication device 10 include the functions of one or more devices including a telephone modem, col. 4, line 65 – col. 5, line 4); and

setting a phone number to dial (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 such as connect to a remote destination 18, which can be any type of network object, such as a PC, a printer, phone switch, server, etc., col. 4, lines 10-15).

With respect to claim 24, Steinberg et al disclose a method of Claim 22, wherein user profile information is selected from a group consisting of:

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a username and password (requiring a user password avoids the possibility that an unauthorized person will alter data. Phone number and IP address data can also be loaded into the communication device, and are listed under "Operational Information for Devices and/or Camera", see FIG. 7 and col. 8, lines 35-41);

an identification number of a device; a method of payment; a setting to allow access; a printing preference; a printing location preference; a mailing preference; and  
an e-mailing preference (Examiner notes the ability to store profile information in Figs. 7 and 8).

With respect to claim 25, Steinberg et al disclose a method for processing digital images comprising the steps of providing a reference platform;

establishing a standard default profile in the reference platform (Phone number and IP address data can also be loaded into the communication device, and are listed under "Operational Information for Devices and/or Camera", see FIG. 7 and col. 8, lines 35-41); and

establishing initial user profile information on the reference platform without requiring user interface (device 10 is programmable to perform functions automatically, col. 5, lines 19-30).

Steinberg et al do not disclose expressly the steps of determining whether access to a high speed network connection is available, establishing a communication link over the high speed network connection with a service provider in response to access, establishing a communication link over a dialup

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network connection with the service provider in response to no access to the high speed network connection.

Hrastar et al teach of a CATV router system that has a high-speed modem (column 3 line 60). This router system connects the Internet and the host computers that have the same communication capability as the claimed device (see col. 6, line 54). The cable router system is capable of detecting a failure in the high speed CATV connection and when it does, the telephone modem will take over the connection to the Internet (see col. 3, line 62 to col. 4, line 5). When the cable routing system is working again, the telephone modem will transfer the connection back to the cable modem.

Steinberg et al and Hrastar et al are analogous art because they are from the similar problem solving area of data communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the network line determination feature of Hrastar et al to the system of Steinberg et al in order to obtain an communication access determination capability. The motivation for doing so would be to reliably transfer data.

With respect to claim 26, Steinberg et al disclose a method wherein user profile information is selected from a group consisting of:

a username and password; an identification number of a device; a method of payment; a setting to allow access; a printing preference; a printing location preference;

a mailing preference; and an e-mailing preference (Examiner notes the ability to store profile information in Figs. 7 and 8).

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With respect to claim 27, Steinberg et al disclose a method for processing digital images comprising the steps of providing a reference platform device from a retail outlet to a consumer;

connecting the device to a central server (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 such as connect to a remote destination 18, which can be any type of network object, such as a PC, a printer, phone switch, server, etc., col. 4, lines 10-15);

establishing an account with the central server (see Figs. 7 and 8);

configuring the device server (device 10 is programmable to perform functions automatically, col. 5, lines 19-30);

uploading images to the central server server (device 10 is programmable to perform functions automatically, col. 5, lines 19-30); and

directing the central server to process images, wherein the device interfaces with the central server without user interaction (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 such as connect to a remote destination 18, which can be any type of network object, such as a PC, a printer, phone switch, server, etc., col. 4, lines 10-15).

Steinberg et al do not disclose expressly the steps of determining whether access to a high speed network connection is available, establishing a communication link over the high speed network connection with a service provider in response to access, establishing a communication link over a dialup network connection with the service provider in response to no access to the high speed network connection.

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Hrastar et al teach of a CATV router system that has a high-speed modem (column 3 line 60). This router system connects the Internet and the host computers that have the same communication capability as the claimed device (see col. 6, line 54). The cable router system is capable of detecting a failure in the high speed CATV connection and when it does, the telephone modem will take over the connection to the Internet (see col. 3, line 62 to col. 4, line 5). When the cable routing system is working again, the telephone modem will transfer the connection back to the cable modem.

Steinberg et al and Hrastar et al are analogous art because they are from the similar problem solving area of data communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the network line determination feature of Hrastar et al to the system of Steinberg et al in order to obtain an communication access determination capability. The motivation for doing so would be to reliably transfer data.

With respect to claim 29, Steinberg et al disclose a method, wherein the step of directing the central server to process images further comprises the step of printing the images at a printer at the central server's site (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 and can further download information to a specific destination, col. 5, lines 47-50, the information can accompany an image, col. 5, lines 38-46 and can be any type of network object, such as a PC, a printer, phone switch, server, etc., col. 4, lines 10-15).

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With respect to claim 31, Steinberg et al disclose a method further comprising the step of directing that the images be forwarded to a server at a local store (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 and can further download information to a specific destination, col. 5, lines 47-50, the information can accompany an image, col. 5, lines 38-46 and can be any type of network object, such as a PC, a printer, phone switch, server, etc., col. 4, lines 10-15).

With respect to claim 32, Steinberg et al disclose a method further comprising the step of printing the images at a printer at the local store's site (device 10 is programmable to perform functions automatically, col. 5, lines 19-30 and can further download information to a specific destination, col. 5, lines 47-50, the information can accompany an image, col. 5, lines 38-46 and can be any type of network object, such as a PC, a printer, phone switch, server, etc., col. 4, lines 10-15).

2. Claims 14-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al (USPN 6,750,902 B1) in view of Wasula et al (US PG PUB 20020054224 A1).

With respect to claim 14, Steinberg et al does not disclose editing the uploaded image data on the service provider. Wasula et al discloses that after the image is transferred and stored in a destination directory, the digital image transfer application program looks for an "image editing application preference" field (e.g., "RunApp" line 8 in FIG. 3A) in the profile of that image, for example, Adobe PhotoDeluxe software (para 40, lines 26-31). The destination directory



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where the editing takes place can be on a hard disk space of the Network Service Provider 70 (para 40, lines 18-19). Steinberg et al and Wasula et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Wasula et al to Steinberg et al in order to obtain a remote edit feature. The motivation for doing so would be to edit an image at a remote location.

With respect to claim 15, Steinberg et al does not disclose processing the image data in the storage media. Wasula et al discloses that after the image is transferred and stored in a destination directory, the digital image transfer application program looks for an "image editing application preference" field (e.g., "RunApp" line 8 in FIG. 3A) in the profile of that image, for example, Adobe PhotoDeluxe software (para 40, lines 26-31). The destination directory where the editing takes place can be on a hard disk space of the Network Service Provider 70 (para 40, lines 18-19). Steinberg et al and Wasula et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Wasula et al to Safai in order to obtain a remote image-processing feature. The motivation for doing so would be to process an image stored at a remote location.

With respect to claim 16, Steinberg et al does not disclose deleting image data from the storage media after each image is uploaded. Wasula et al discloses that the image can then be deleted from the removable memory card

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30 of the digital camera 10 (block 470), according to the "Erase After Transfer" field (line 10 in FIG. 3A). Alternatively, a global preference can be stored in the firmware memory 28 of the digital camera 10 and used for all transfers (para 40, lines 33-38). Steinberg et al and Wasula et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Wasula et al to Steinberg et al in order to obtain a feature of removing a transferred image from a camera memory. The motivation for doing so would be to save memory space.

With respect to claim 18, Steinberg et al disclose a method Claim 13, further comprising the step of enabling the service provider to print the image (a remote destination 18, which can be any type of network object, such as a PC, a printer, phone switch, server, etc., col. 4, lines 10-15).

3. Claims 17, 19, and 20, 28, 30, 31, and 34-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al (USPN 6,750,902 B1) in view of Safai (USPN 6,715,003 B1).

With respect to claim 17, Steinberg et al do not disclose the step of enabling a user to view the image via a web browser.

Safai teaches that the customer can use the browser to connect to the HTTP server of the service provider and view images that the customer has sent to the service provider from the customer's camera 100 using the mechanisms outlined above (col 28, lines 39-44), which reads on enabling a user to view the image via a web browser.

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Steinberg et al and Safai are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the browser feature of Safai to Steinberg et al in order to obtain a remote image-processing feature. The motivation for doing so would be to view an image at a remote location.

With respect to claim 19, Steinberg et al do not disclose a method, further comprising the step creating a web page with the image data.

Safai teaches that services 602 create a Web document, for example, a file in the hypertext markup language (HTML) format (col 16, lines 37-38), which reads on the step of creating a web page with the image data.

Steinberg et al and Safai are analogous art because they are from the similar problem solving area of managing image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the services 602 feature of Safai to Steinberg et al in order to obtain an image-processing feature. The motivation for doing so would be to process an image.

With respect to claim 20, Steinberg et al do not disclose a method comprising the step of creating a compact disk with the image data.

Safai teaches that the external service provider might offer manual image enhancement, preparation of poster-size prints or other specialty items, bulk image storage, etc. (col. 21, lines 60-62) and the customer can order reprints or other products incorporating an image or images, such as calendars, t-shirts, etc

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(col 28, lines 44-46), which reads on the step of creating a compact disk with the image data.

Steinberg et al and Safai are analogous art because they are from the similar problem solving area of managing image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Safai to Steinberg et al in order to obtain a remote image-processing feature. The motivation for doing so would be to process image data.

With respect to claim 28, Steinberg et al disclose a method of Claim 27, wherein the step of providing the reference platform device to a consumer further comprises giving the device to the consumer for free (Examiner notes that it is inherent that any service or good can be obtained from a retail outlet for a fee, rental charge, or complimentary).

With respect to claim 30, Steinberg et al do not disclose a method, wherein the step of directing the central server to process images further comprises the step of impressing the images onto a CD with a CD writer.

Safai teaches that the external service provider might offer manual image enhancement, preparation of poster-size prints or other specialty items, bulk image storage, etc. (col. 21, lines 60-62) and the customer can order reprints or other products incorporating an image or images, such as calendars, t-shirts, etc (col 28, lines 44-46).

Steinberg et al and Safai are analogous art because they are from the similar problem solving area of managing image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to

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add the feature of Safai to Steinberg et al in order to obtain a remote image-processing feature. The motivation for doing so would be to process image data.

With respect to claim 31, Steinberg et al do not disclose a method, wherein the step of directing the central server to process images further comprises the step of placing the images on a web site.

Safai teaches that services 602 create a Web document, for example, a file in the hypertext markup language (HTML) format (col 16, lines 37-38), which reads on the step of creating a web page with the image data.

Steinberg et al and Safai are analogous art because they are from the similar problem solving area of managing image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Safai to Steinberg et al in order to obtain an image-processing feature. The motivation for doing so would be to process an image.

With respect to claim 34, Steinberg et al do not disclose a method of Claim further comprising the step of impressing the images onto a CD with a CD writer at the local store's site.

Safai teaches that the external service provider might offer manual image enhancement, preparation of poster-size prints or other specialty items, bulk image storage, etc. (col. 21, lines 60-62) and the customer can order reprints or other products incorporating an image or images, such as calendars, t-shirts, etc (col 28, lines 44-46).

Steinberg et al and Safai are analogous art because they are from the similar problem solving area of managing image data. At the time of the

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invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Safai to Steinberg et al in order to obtain a remote image-processing feature. The motivation for doing so would be to process image data.

With respect to claim 35, Steinberg et al do not disclose a method, further comprising the step of directing that the images be forwarded to the user. Safai teaches a more automatic way to deliver the completed photographic prints to the intended recipient without requiring multiple visits or trips by the camera owner to the developer, col. 3, lines 13-17). Steinberg et al and Safai are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the delivery-to-client feature of Safai to Steinberg et al in order to obtain a more convenient way to receive images. The motivation for doing so would be to print images at a convenient retailer and receive print images from the retailer.

With respect to claim 36, Steinberg et al do not disclose printing the images at a printer at the user's site. Safai discloses CPU 210 is also coupled to a printer interface 209 that can connect to an external printer (not shown), for example an image-quality printer, col. 6, lines 2-5. Steinberg et al and Safai are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the local printing feature of Safai to Steinberg et al in order to obtain a more immediate printing of images. The motivation for doing so would be to print images prior to using the service.

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With respect to claim 37, Steinberg et al do not disclose allowing the user to connect to central server to manipulate the images. Safai discloses that transfers of digital images between camera 100 and server 810 use data compression techniques to reduce the size of the digital image file that is transferred over the networks, col. 29, lines 5-10. Steinberg et al and Safai are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the image altering feature of Safai to Steinberg et al in order to obtain a method of altering an image. The motivation for doing so would be to reduce bandwidth.

With respect to claim 38, Steinberg et al do not disclose that the device is pre-configured with settings directed to the retail outlet's server. Safai discloses that services 602 are configured to upload the photos received from camera 100 to a designated server or Web site, col. 16, lines 31-34. Steinberg et al and Safai are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the preconfiguration feature of Safai to Steinberg et al in order to obtain a default setting for the device. The motivation for doing so would be to give the user a default or initial setting.

With respect to claim 39, Steinberg et al do not disclose the device is pre-configured with a setting to direct that uploaded images are sent to the store that provided the device. Safai discloses a more automatic method to transfer digital images to a developer or other entity that can prepare photographic prints, col. 3,

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lines 13-17 and a photographic service provider, such as a photo development business, photograph or film processing business, camera shop, or other service bureau ("photo service provider"), can be located logically separate or remote from the service provider 800 and the owner of camera 100 (col. 20, lines 51-55). Steinberg et al and Safai are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the remote printing of image data to an image developing entity of Safai to Steinberg et al in order to obtain a more convenient way to process images. The motivation for doing so would be to print images at a convenient retailer.

With respect to claim 40, Steinberg et al do not disclose that uploading images to the central server determined by a user preference which specifies the time when uploading is to occur. Safai discloses that in case of delayed sending, information about the current image and the prints desired is stored in an Out Box for later delivery at a scheduled time. Steinberg et al and Safai are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the scheduling feature of Safai to Steinberg et al in order to obtain a preference for receiving images. The motivation for doing so would be to schedule uploading of image data.

With respect to claim 41, Steinberg et al do not disclose mailing processed images the consumer. Safai discloses that the delivery may be automatic; for example, the photographic print may be automatically stuffed into an envelope to



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which an automatically-generated mailing label is applied, col. 28, lines 27-30. Steinberg et al and Safai are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the mailing feature of Safai to Steinberg et al in order to obtain a preference for receiving images. The motivation for doing so would be to automatically mail image data to the user.

With respect to claim 42, Steinberg et al do not disclose transmitting processed images to the consumer. Safai discloses transfer one or more digital images from camera 100 to a personal computer, workstation, or other electronic device (col. 25, lines 37-41). Steinberg et al and Safai are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the camera transfer feature of Safai to Steinberg et al in order to obtain a preference for receiving images. The motivation for doing so would be to automatically download image data to the user.

With respect to claim 43, Steinberg et al do not disclose making the processed images available for the consumer to pick up. Safai discloses a more automatic way to deliver the completed photographic prints to the intended recipient without requiring multiple visits or trips by the camera owner to the developer, col. 3, lines 13-17). Examiner notes that a user could choose not to enter an address and pickup the processed images from the service provider or third-party vendor if so inclined. Steinberg et al and Safai are analogous art

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because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the transfer feature of Safai to Steinberg et al in order to obtain a preference for receiving images. The motivation for doing so would be to pickup processed images or have the images delivered.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al (USPN 6,750,902 B1) in view of Paz-Pujalt et al (US PGPUB 20040085576 A1).

With respect to claim 21, Steinberg et al do not disclose a method further comprising the step of directing the image data to be processed at a processing center in close proximity to the end user.

Paz-Pujalt et al teach using the information identifying the location of the recipient to select a local printing station for the recipient from a plurality of local printing stations. Steinberg et al and Paz-Pujalt et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Paz-Pujalt et al to Steinberg et al in order to obtain a feature of transfer of image data to a nearby location. The motivation for doing so would be to access the image data at a convenient location.

5. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (USPN 6,715,003 B1) in view of Steinberg et al (USPN 6,750,902 B1) and further in view of Hrastar et al (USPN 6,301,223 B1).

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With respect to claim 44, Safai discloses that network link 720 may provide a connection through local network 722 to a host computer 724 or to data equipment operated by an Internet Service Provider (ISP) 726 (col. 19, lines 54-58), which reads on contacting a service provider identified by said reference platform;

Network link 720 typically provides data communication through one or more networks to an Internet Service Provider (ISP) 726 (col 19, lines 53-58), which reads on submitting information to said service provider;

a user of camera 100 has access to an account with service provider 800. The user may utilize the account, for example, for World Wide Web or Internet access using a personal computer or workstation (col. 20, lines 28-31), which reads on creating an account for said user by said service provider;

transfer one or more digital images from camera 100 to a personal computer, workstation, or other electronic device (col. 25, lines 37-41), which reads on receiving image data at said reference platform;

Computer system 700 also includes a communication interface 718 coupled to bus 702. Communication interface 718 provides a two-way data communication coupling to a network link 720 (col 19, lines 38-41), which reads on connecting said reference platform to a communication receptacle;

and Network link 720 (*part of 700*) typically provides data communication through one or more networks to other data devices (col 19, lines 53-54), which reads on contacting said service provider with said reference platform;

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Safai does not disclose that said reference platform receives configuration script to control communication of image data from said reference platform to said service provider without user interaction.

Steinberg et al teach that device 10 is programmable to perform functions automatically, col. 5, lines 19-30 and can further download information to a specific destination, col. 5, lines 47-50, the information can accompany an image, col. 5, lines 38-46.

Safai and Steinberg et al are analogous art because they are from the similar problem solving area of managing image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Steinberg et al to Safai in order to obtain a feature of transfer of image data to a remote location. The motivation for doing so would be to automate image processing to reduce user interaction.

Safai in view of Steinberg et al do not disclose expressly the steps of determining whether access to a high speed network connection is available, establishing a communication link over the high speed network connection with a service provider in response to access, establishing a communication link over a dialup network connection with the service provider in response to no access to the high speed network connection.

Hrastar et al teach of a CATV router system that has a high-speed modem (column 3 line 60). This router system connects the Internet and the host computers that have the same communication capability as the claimed device (see col. 6, line 54). The cable router system is capable of detecting a failure in

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the high speed CATV connection and when it does, the telephone modem will take over the connection to the Internet (see col. 3, line 62 to col. 4, line 5). When the cable routing system is working again, the telephone modem will transfer the connection back to the cable modem.

Safai in view of Steinberg et al and Hrastar et al are analogous art because they are from the similar problem solving area of data communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the network line determination feature of Hrastar et al to the system of Safai in view of Steinberg et al in order to obtain an communication access determination capability. The motivation for doing so would be to reliably transfer data.

With respect to claim 45, Safai discloses a method processing digital images comprising the steps of:

connecting an imaging device (camera 100) to a reference platform (service provider 800), see Fig. 8;

generating a print request form (see Fig. 10) with said imaging device (camera), said print request form designating at least one image file ("#4 Sally") in said image device for processing;

uploading said print request form and said at least one image file to a service provider via said reference platform in response to said configuration script (service provider 800 receives user configuration data to enable authorized use of image services if the username and password information are correct, col. 21, lines 40-45);

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processing said at least one image file according to said print request form for generating a processed image (photo service provider provides development, printing and/or transport services for photographic prints or other photographic elements such as negatives, internegatives, interpositives, motion picture film, etc., that are produced based on digital images, to a user of camera 100, col. 20, lines 59-64); and

delivering said processed image to a user (the delivery may be automatic; for example, the photographic print may be automatically stuffed into an envelope to which an automatically-generated mailing label is applied, col. 28, lines 27-30).

Safai does not disclose downloading a configuration script to said reference platform. Steinberg et al teach that device 10 is programmable to perform functions automatically, col. 5, lines 19-30 and can further download information to a specific destination, col. 5, lines 47-50, the information can accompany an image, col. 5, lines 38-46.

Safai and Steinberg et al are analogous art because they are from the similar problem solving area of managing image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Steinberg et al to Safai in order to obtain a feature of transfer of image data to a remote location. The motivation for doing so would be to automate image processing to reduce user interaction.

Safai in view of Steinberg et al do not disclose expressly the steps of determining whether access to a high speed network connection is available,

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establishing a communication link over the high speed network connection with a service provider in response to access, establishing a communication link over a dialup network connection with the service provider in response to no access to the high speed network connection.

Hrastar et al teach of a CATV router system that has a high-speed modem (column 3 line 60). This router system connects the Internet and the host computers that have the same communication capability as the claimed device (see col. 6, line 54). The cable router system is capable of detecting a failure in the high speed CATV connection and when it does, the telephone modem will take over the connection to the Internet (see col. 3, line 62 to col. 4, line 5). When the cable routing system is working again, the telephone modem will transfer the connection back to the cable modem.

Safai in view of Steinberg et al and Hrastar et al are analogous art because they are from the similar problem solving area of data communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the network line determination feature of Hrastar et al to the system of Safai in view of Steinberg et al in order to obtain an communication access determination capability. The motivation for doing so would be to reliably transfer data.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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